

[counsel listed on signature page]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

Case No. CV 10-03561 WHA

**JOINT STATEMENT REGARDING  
SUPPLEMENTAL ORDER  
REGARDING PATENTING  
MARKING**

Dept.: Courtroom 8, 19th Floor  
Judge: Honorable William H. Alsup

1 Pursuant to the Court's December 6, 2011 Supplemental Order Regarding Patenting  
2 Marking (Dkt. No. 641), Google and Oracle met-and-conferred in person regarding a procedure  
3 and timetable regarding the marking issues, as directed by the Court. In so doing, the parties  
4 agreed to a procedure for identifying products that practice the asserted patents and for  
5 identifying any disputes, but could not agree to a timetable. (12/20/11 Joint Statement Regarding  
6 Supplemental Order Regarding Patenting Marking (Dkt. No. 643).) Following the December 21,  
7 2011 Pre-Trial Conference, at which the Court advised the parties to further meet and confer  
8 regarding a timetable, the parties have reached an agreement, as follows:

9 1. On January 6, 2012, Oracle will provide an identification, for each of the 26  
10 asserted claims, of each Oracle product, Oracle-licensed product, Sun product, or Sun-licensed  
11 product ("Oracle Products") that practice or have practiced the claim. Oracle will also identify  
12 the fact witnesses who possess information supporting Oracle's contentions that the Oracle  
13 Products practice or have practiced the asserted claims, as well as provide a summary of  
14 testimony Oracle intends to elicit at trial from those witnesses regarding those Oracle Products'  
15 practice of the claims. Oracle will also provide source code citations and/or other documentation  
16 supporting Oracle's contentions that the Oracle Products practice the asserted claims.

17 2. On January 20, 2012, Google will respond to Oracle and identify any other Oracle  
18 Products that Google contends practiced any of the 26 asserted claims during the alleged damages  
19 period and identify any products in Oracle's identification that Google contends do not practice  
20 the identified claims. Google's response will specify which Oracle Products it contends do (or do  
21 not) practice the asserted claims, and why.

22 3. Following Google's response, the parties will meet-and-confer regarding their  
23 disclosures with the aim of preparing a stipulation of which Oracle Products practice the asserted  
24 claims. On January 27, 2012, the parties will jointly submit to the Court a list of the Oracle  
25 Products that they stipulate practice the asserted claims, which shall have the effect of  
26 establishing that fact for all purposes at trial, and a list of those Oracle Products for which there is  
27 a genuine dispute between the parties as to whether they practiced the asserted claims, along with  
28 brief explanations of the basis for each party's contention.

1 Dated: December 30, 2011

MORRISON & FOERSTER LLP

2 By: /s/ Marc David Peters

3 MORRISON & FOERSTER LLP  
4 MICHAEL A. JACOBS (Bar No. 111664)  
mjacobs@mofo.com  
5 MARC DAVID PETERS (Bar No. 211725)  
mdpeters@mofo.com  
6 DANIEL P. MUINO (Bar No. 209624)  
dmuino@mofo.com  
7 755 Page Mill Road  
Palo Alto, CA 94304-1018  
8 Telephone: (650) 813-5600  
Facsimile: (650) 494-0792

9 BOIES, SCHILLER & FLEXNER LLP  
10 DAVID BOIES (Admitted *Pro Hac Vice*)  
dboies@bsfllp.com  
11 333 Main Street  
Armonk, NY 10504  
12 Telephone: (914) 749-8200  
Facsimile: (914) 749-8300  
13 STEVEN C. HOLTZMAN (Bar No. 144177)  
sholtzman@bsfllp.com  
14 1999 Harrison St., Suite 900  
Oakland, CA 94612  
15 Telephone: (510) 874-1000  
Facsimile: (510) 874-1460

16 ORACLE CORPORATION  
17 DORIAN DALEY (Bar No. 129049)  
dorian.daley@oracle.com  
18 DEBORAH K. MILLER (Bar No. 95527)  
deborah.miller@oracle.com  
19 MATTHEW M. SARBORARIA (Bar No.  
211600)  
matthew.sarboraria@oracle.com  
20 500 Oracle Parkway  
21 Redwood City, CA 94065  
Telephone: (650) 506-5200  
22 Facsimile: (650) 506-7114

23 *Attorneys for Plaintiff*  
24 ORACLE AMERICA, INC.

1 Dated: December 30, 2011

KEKER & VAN NEST LLP

2 By: /s/ Matthias Kamber

3 SCOTT T. WEINGAERTNER (*Pro Hac Vice*)

4 sweingaertner@kslaw.com

5 ROBERT F. PERRY

rperry@kslaw.com

6 BRUCE W. BABER (*Pro Hac Vice*)

bbaber@kslaw.com

1185 Avenue of the Americas

7 New York, NY 10036-4003

8 Telephone: (212) 556-2100

Facsimile: (212) 556-2222

9 DONALD F. ZIMMER, JR. (SBN 112279)

fzimmer@kslaw.com

10 CHERYL A. SABNIS (SBN 224323)

csabnis@kslaw.com

11 KING & SPALDING LLP

101 Second Street - Suite 2300

12 San Francisco, CA 94105

Telephone: (415) 318-1200

13 Facsimile: (415) 318-1300

14 GREENBERG TRAURIG, LLP

15 IAN C. BALLON (SBN 141819)

ballon@gtlaw.com

16 HEATHER MEEKER (SBN 172148)

meekerh@gtlaw.com

1900 University Avenue

17 East Palo Alto, CA 94303

Telephone: (650) 328-8500

18 Facsimile: (650) 328-8508

19 KEKER & VAN NEST LLP

20 ROBERT A. VAN NEST (SBN 84065)

rvannest@kvn.com

21 CHRISTA M. ANDERSON (SBN184325)

canderson@kvn.com

22 DANIEL PURCELL (SBN 191424)

dpurcell@kvn.com

633 Battery Street

23 San Francisco, CA 94111

Telephone: (415) 391-5400

24 Facsimile: (415) 397-7188

25 *Attorneys for Defendant*

26 GOOGLE INC.

**ATTESTATION**

I, Marc David Peters, am the ECF User whose ID and password are being used to file this  
JOINT STATEMENT REGARDING SUPPLEMENTAL ORDER REGARDING PATENTING  
MARKING. In compliance with General Order 45, X.B., I hereby attest that Matthias Kamber  
has concurred in this filing.

Date: December 30, 2011

/s/ Marc David Peters